

ASSEMBLY BILL

No. 894

Introduced by Assembly Member Furutani

February 26, 2009

An act to amend Sections 9005, 9087, and 13247 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 894, as introduced, Furutani. Ballot measures: fiscal impact statements.

Existing law requires that a draft of an initiative measure be submitted to the Attorney General prior to circulation of the initiative for signatures so that it may appear on the ballot. Existing law requires the Attorney General to prepare the title and summary for the proposed measure. Existing law requires that, if the Attorney General determines that the proposed measure would affect the revenues or expenditures of the state or local government, he or she shall include in the title of the proposed measure either the estimated increase or decrease in revenues or costs to the state or local government, or an opinion as to whether the measure would result in a substantial net change in state or local finances. Existing law requires the title and summary of the Attorney General to be placed on the heading of a petition for the measure and on each page of the petition.

This bill would require the fiscal impact statement included in the title and summary of the Attorney General to be in boldface type.

Existing law requires that a ballot pamphlet containing information regarding each statewide measure to appear on a statewide election ballot be prepared by the Secretary of State. Existing law further requires the Legislative Analyst to prepare for the ballot pamphlet an analysis

of each statewide measure, including a fiscal analysis of each measure showing the amount of any increase or decrease in revenue or cost to state or local government. Existing law requires that any estimate of increased cost to local governments be set out in boldface print in the ballot pamphlet.

This bill would also require, for a statewide measure that would result in increased cost to the state, that the Legislative Analyst provide an analysis of the measure's estimated impact on the General Fund, including an estimate of the percentage of the General Fund that would be expended due to the measure.

Existing law requires a condensed statement of the ballot title prepared by the Attorney General for each statewide measure appearing on the ballot, followed by the words "Yes and "No."

This measure would also require, when the Legislative Analyst provides an estimated numerical figure of the increase or decrease in revenue or cost to the state, that the numerical figure appear immediately below the designation of the measure on the ballot.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9005 of the Elections Code is amended
2 to read:
3 9005. (a) Notwithstanding Section 9004, the Attorney General,
4 in preparing a title or summary for an initiative measure, shall
5 determine whether the substance thereof if adopted would affect
6 the revenues or expenditures of the state or local government, and
7 if he or she determines that it would, he or she shall, *in boldface*
8 *print*, include in the title either the estimate of the amount of any
9 increase or decrease in revenues or costs to the state or local
10 government, or an opinion as to whether or not a substantial net
11 change in state or local finances would result if the proposed
12 initiative is adopted.
13 (b) The estimates as required by this section shall be made
14 jointly by the Department of Finance and the Joint Legislative
15 Budget Committee, who shall deliver them to the Attorney General
16 so that he or she may include them in the titles prepared by him
17 or her.

(c) The estimate shall be delivered to the Attorney General within 25 working days from the date of receipt of the final version of the proposed initiative from the Attorney General, unless, in the opinion of both the Department of Finance and the Joint Legislative Budget Committee, a reasonable estimate of the net impact of the proposed initiative cannot be prepared within the 25-day period. In the latter case, the Department of Finance and the Joint Legislative Budget Committee shall, within the 25-day period, give the Attorney General their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

~~Any~~

(d) A statement of fiscal impact prepared by the Legislative Analyst pursuant to subdivision (b) of Section 12172 of the Government Code may be used by the Department of Finance and the Joint Legislative Budget Committee in the preparation of the fiscal estimate or the opinion.

SEC. 2. Section 9087 of the Elections Code is amended to read:

9087. (a) The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. *If it is estimated that a measure would result in increased cost to the state, an analysis of the measure's estimated impact on the General Fund shall be provided, including an estimate of the percentage of the General Fund that would be expended due to the measure, using visual aids when appropriate.* The analysis shall be written in clear and concise terms, so as to be easily understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information the average voter needs to adequately understand the measure. ~~The~~

(b) ~~The~~ Legislative Analyst may contract with ~~a professional writers writer, educational-specialists specialist, or other persons another person~~ for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the

1 analysis be written so that it will be easily understood by the
2 average voter. The Legislative Analyst may also request the
3 assistance of ~~any~~ a state department, agency, or official in preparing
4 his or her analysis. ~~Prior~~

5 (c) *Prior* to submitting the analysis to the Secretary of State,
6 the Legislative Analyst shall submit the analysis to a committee
7 of five persons, appointed by the Legislative Analyst, for the
8 purpose of reviewing the analysis to confirm its clarity and easy
9 comprehension to the average voter. The committee shall be drawn
10 from the public at large, and one member shall be a specialist in
11 education, one *member* shall be bilingual, and one *member* shall
12 be a professional writer. Members of the committee shall be
13 reimbursed for reasonable and necessary expenses incurred in
14 performing their duties. Within five days of the submission of the
15 analysis to the committee, the committee shall make ~~such~~
16 recommendations to the Legislative Analyst as it deems appropriate
17 to guarantee that the analysis can be easily understood by the
18 average voter. The Legislative Analyst shall consider the
19 committee's recommendations, and he or she shall incorporate in
20 the analysis those changes recommended by the committee that
21 he or she deems to be appropriate. The Legislative Analyst is solely
22 responsible for determining the content of the analysis required
23 by this section. ~~The~~

24 (d) *The* title of the measure that appears on the ballot shall be
25 amended to contain a summary of the Legislative Analyst's
26 estimate of the net state and local government financial impact.

27 SEC. 3. Section 13247 of the Elections Code is amended to
28 read:

29 13247. (a) *If, in preparing the fiscal impact summary for a*
30 *measure pursuant to Section 9087, the Legislative Analyst*
31 *determines that the measure to be voted on would result in an*
32 *increase or decrease in revenue or cost to the state, one of the*
33 *following, as applicable, shall appear immediately below the*
34 *designation of the measure on the ballot made pursuant to Section*
35 *13116:*

36 (1) *If the fiscal impact summary provides an estimated numerical*
37 *figure reflecting an increase in revenue to the state, the statement*
38 *"Estimated Increase in State Revenue:" followed by the numerical*
39 *figure.*

1 (2) *If the fiscal impact summary provides an estimated numerical*
2 *figure reflecting a decrease in revenue to the state, the statement*
3 *“Estimated Decrease in State Revenue:” followed by the numerical*
4 *figure.*

5 (3) *If the fiscal impact summary provides an estimated numerical*
6 *figure reflecting an increase in costs to the state, the statement*
7 *“Estimated Increase in State Costs:” followed by the numerical*
8 *figure.*

9 (4) *If the fiscal impact summary provides an estimated numerical*
10 *figure reflecting a decrease in costs to the state, the statement*
11 *“Estimated Decrease in State Costs:” followed by the numerical*
12 *figure.*

13 (5) *If the fiscal impact summary does not provide an estimated*
14 *numerical figure, but concludes that the measure would result in*
15 *an increase or decrease in revenue or cost to the state, the*
16 *statement “See Fiscal Impact Statement Below.”*

17 (b) ~~The statement of all measures~~ *a measure* submitted to the
18 voters shall be abbreviated on the ballot. The statement shall
19 contain not more than 75 words ~~of each measure to be voted on,~~
20 followed by the words, “Yes” and “No.” Abbreviation of ~~measures~~
21 *a measure* to be voted on throughout the state shall be composed
22 by the Attorney General and shall be a condensed statement of the
23 ballot title prepared by him or her.

24 ~~(b)~~
25 (c) ~~For purposes of measures~~ *a measure* to be voted on
26 throughout the state, the limitation contained in subdivision (a)
27 shall apply to the total number of words used in the condensed
28 statement of the ballot title and the ~~financial~~ *fiscal* impact summary
29 prepared pursuant to Section 9087; *of this code* and Section 88003
30 of the Government Code.